(18)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

M.A. No. 728 OF 2005

APPELLANTS/CLAIMANTS

1) Smt. Bhawana Nag, Wd/o. Late Dr. K.K.Nag, Aged about 25 years.
2) Ku. Kriti Nag, D/o. Late Dr. K.K.Nag, Aged about 3 years, Minor Appellant No.2 Represented by her Guardian and mother Smt. Bhawna Nag, Appellant No.1.
Both R/o. Kundan Bhawan, Jangal Para, Nagri, Tehsil Nagri, District Dhamtari (C.G.)

Versus

RESPONDENTS/NON-APPLICANTS

1) Upendra Singh Sanger @ Lalli Singh, S/o. Nageshwar Singh, Aged about 21 years, R/o. Qtr. No. E-5, Anupam Nagar, Raipur C.G. and Through M/s. Choudhary Tractors, Raipur Road, Dhamtari, District Dhamtari, C.G. (Driver of the Yamaha Vehicle)
2) M/s. Choudhary Tractors, Raipur Road, Dhamtari, District Dhamtari C.G. (Owner of the Yamaha Vehicle)
3) The Oriental Insurance Company Limited, Through its Manager, Dhamtari, District Dhamtari, C.G. (Insurer of the Yamaha Vehicle)

Present:

Mr. Satyendra Sahu, learned counsel for the appellants.

Mr. Prashant Jayaswal, Sr. Advocate with Mr. Ali Asgar, learned counsel for respondent No.3.

ORAL ORDER
(Passed on 12th of December 2005)

The following Order of the Court was passed by

S.R. Nayak, CJ:

(19)

The only contention putforth by learned counsel for the appellant is that the MACT is not justified in not awarding any compensation towards loss of consortium to the widow and loss of love and affection to the minor female child. We have perused the award. The MACT has not awarded any compensation under the aforementioned heads which are undeniably permissible heads of compensation in a case of death. Therefore, we award a sum of Rs. 20,000/- to the widow of the deceased towards loss of consortium and another sum of Rs. 20,000/- to the minor female child towards love and affection. The impugned award shall stand modified accordingly and in all other aspects the impugned award shall stand unaltered. The parties shall bear their respective costs in this appeal.

The appeal is allowed to the extent indicated above.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge